

**National Council on Federal Labor-Management Relations
26th Public Meeting
May 15, 2013**

The National Council on Federal Labor-Management Relations held its 26th meeting at the Office of Personnel Management (OPM), on May 15, 2013. Co-chairing the meeting were Ms. Elaine Kaplan, Acting OPM Director, and Mr. Dustin Brown, Deputy Associate Director for Performance and Personnel Management, Office of Management and Budget (OMB). The following Council members attended the meeting:

Council Member	Title
Mr. J. David Cox	National President, American Federation of Government Employees
Mr. William Dougan	President, National Federation of Federal Employees
Mr. Ernest DuBester	Chairman, Federal Labor Relations Authority
Mr. W. Scott Gould	Deputy Secretary, Department of Veterans Affairs
Mr. David Holway	National President, National Association of Government Employees
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Patricia Niehaus	National President, Federal Managers Association

The following individuals sat in for absent Council members:

- Mr. William Bransford, General Counsel, Senior Executives Association (SEA) for Ms. Carol Bonosaro, President, SEA;
- Ms. Catherine Emerson, Chief Human Capital Officer, Department of Homeland Security, for Mr. Rand Beers, Acting Deputy Secretary of Homeland Security;
- Mr. Jeff Friday, National Counsel, National Treasury Employees Union (NTEU), for NTEU National President Colleen M. Kelley;
- Ms. Robin Heard, Deputy Assistant Secretary for Administration, Department of Agriculture, for Mr. Michael T. Scuse, Acting Deputy Secretary of Agriculture;
- Mr. T. Michael Kerr, Assistant Secretary for Administration and Management, Department of Labor (DOL), for DOL Deputy Secretary Seth David Harris;
- Mr. Kyle Schoembs, Research Analyst, International Brotherhood of Teamsters (IBT) for Mr. Michael Filler, Director of Public Services, IBT;
- Mr. Richard Tarr, Associate General Counsel, Federal Education Association (FEA), for Mr. H.T. Nguyen, FEA Executive Director;
- Mr. Frederick E. Vollrath, Principal Deputy Assistant Secretary of Defense for Readiness and Force Management, for Mr. Ashton B. Carter, Deputy Secretary of Defense.

The Designated Federal Officer, Mr. Tim Curry, OPM Deputy Associate Director, Partnership and Labor Relations, was present, as were 2 media representatives and 37 other members of the public.

Agenda Item I: Welcome

Ms. Kaplan began the meeting at 10:00 a.m. She welcomed everyone and identified herself and Mr. Brown as the Council Co-Chairs for the meeting. She explained that she is serving as Acting Director of OPM, and that Mr. Brown would serve today in place of OMB Controller Daniel Werfel.

At Ms. Kaplan's request, the Council members and substitutes briefly introduced themselves. In honor of Mr. Gould, whose last day as Deputy Secretary of the Department of Veterans Affairs (VA) would be in 2 days, Ms. Kaplan said, "While we have seen some turnover in National Council members, Scott Gould has been with the Council since its first meeting, which was on February 26, 2010. Scott has not only provided leadership for the VA in implementing the President's Executive Order; he also has served as a model for the rest of Government in promoting the benefits of labor and management collaborating together."

Ms. Kaplan continued, "Scott has made significant contributions to this Council. He has been personally engaged in a number of Council initiatives from the beginning, and has ensured that the VA has participated in all major Council initiatives and made meaningful contributions. Scott even personally participated in and essentially developed the content for a National Council training video on how to establish metrics for labor-management forums. He has set a great example for all of us in promoting the benefits of Executive Order 13522. We wish him much success in his future endeavors."

After the applause that followed Ms. Kaplan's remarks, Mr. Gould thanked her, and said, "I'll follow Kathleen Merrigan's example from last meeting. It's been a pleasure to be part of this group, and part of labor and management truly working together. The President put us on a great path. PDI is the heart of the matter; it's what we need to do more of and be better at. I know some people don't get it, but I also know we can make progress if we work towards PDI, and use the tools the President has given us." (As is well known among Council members, PDI is an acronym meaning predecisional involvement.)

Mr. Gould continued, "Leadership, training, accountability, and support from the top down on all of these are essential. Accountability is critical; we need to hold both parties accountable, labor and management. I can tell you that some people at VA are no longer in management positions because they apparently just couldn't get on board."

Concluding his farewell remarks, Mr. Gould said, "This process works. I'm hoping you all press on in this worthy endeavor. I'll be thinking of you all when you're doing that and I'm spending my days trout fishing."

Ms. Kaplan said Mr. Filler, who was absent today, asked that Mr. Schoembs pass on his thoughts to the Council on the Harvard Kennedy School's [Innovations in American Government Awards](#) program. Mr. Schoembs read Mr. Filler's statement, which summarized the purpose of the program: to highlight exemplary models of public sector innovation and advance efforts to address the Nation's most pressing public concerns. Mr. Filler's statement listed some of the Federal agencies that have won awards from the program (see [list](#)), and said, "The Government would do well to use these as examples of how labor-management collaboration can work."

Ms. Kaplan agreed it would be worthwhile for the Council to explore this potential resource further, and recommended the Problem Resolution Subcommittee take on that work.

Ms. Kaplan then announced, “This Council operates as a committee under the Federal Advisory Committee Act or FACA. To facilitate opportunities for those of you who are not Council members to address the Council directly, we have set aside time on the agenda for you to make brief statements to the Council. If you wish to address the Council regarding any topics presented today or any other matter, we request that you wait until the appropriate time on the agenda, when we ask if any member of the public wishes to make any brief statements to the Council.”

Before proceeding with the agenda, Ms. Kaplan informed the Council that the draft minutes of the previous meeting included all of the Council’s edits to date, and provided an opportunity for the Council to suggest additional edits. The Council unanimously approved the minutes without further revision, and proceeded with the meeting agenda.

Agenda Item II: Report of Problem-Resolution Subcommittee

Ms. Kaplan reminded everyone that, due to the Council running behind schedule in its March meeting, the Problem Resolution Subcommittee was unable to complete its presentation. She said that today the subcommittee would finish reporting on its work so far, and that there would be more to report now because the subcommittee has been very busy and has received additional assignments since the last Council meeting. She said she expected that the subcommittee would play a key role in the Council’s efforts to reinvigorate implementation of Executive Order 13522.

Ms. Kaplan made some remarks before turning the floor over to the Problem Resolution Subcommittee. She said, “Before we ask the subcommittee to report, I would like to give some special thanks. First, I would like to thank Ernie DuBester. As a Council member and as the Chairman of the Federal Labor Relations Authority (FLRA), Ernie has provided the full support and expertise of the FLRA in the work of the Problem Resolution Subcommittee. FLRA has been and continues to be a key partner in assisting the Council in implementing the President’s Executive Order.”

Ms. Kaplan continued, “Next, I would like to thank Mr. George Cohen, Director of the Federal Mediation and Conciliation Service (FMCS). Like the FLRA, George and his FMCS team have been great partners in working with the Council on implementing the Executive Order. They have made outstanding and considerable contributions to the work of the Problem Resolution Subcommittee.”

Ms. Kaplan concluded, “Finally, I would like to give special thanks to Ms. Julie Clark, General Counsel of the FLRA. Not only has Julie played a significant role since the Executive Order was issued by the President; she has stepped up into a key leadership role for the Problem Resolution Subcommittee. Her leadership has allowed the subcommittee to quickly develop terrific tools to assist labor management forums.” Ms. Kaplan then turned the floor over to Ms. Clark.

Ms. Clark began a presentation accompanied by slides labeled “Problem Resolution Subcommittee” and dated May 15, 2013. She reminded everyone that the Council established the subcommittee in the January 2013 Council meeting, and she said that, ever since, the

subcommittee has worked to support critical activity in furtherance of Council goals, with a focus on the essential elements of success that Mr. Gould identified earlier.

Ms. Clark displayed a slide showing the composition of the subcommittee (see page 2). She said, “This is a labor-management subcommittee of broad representation.” She said the subcommittee worked with Mr. Curry’s office to bring in people not represented on the Council. She emphasized that the subcommittee is making good progress and turning out quality products by collaborating, and focusing efforts on making the most of existing resources. She said, “When you see our first training tool, you’ll see the quality of what we intend to roll out to the general public. She called for additional staff support from Council members, and said, “I promise it won’t be overwhelmingly time-consuming.” She then turned the floor over to Ms. Teresa Briley, a DOD representative on the subcommittee.

Ms. Briley reminded everyone that the subcommittee’s purpose is to assist forums, i.e. to help establish forums, provide assistance to forums having difficulty, and to help successful forums perform even better. She said the subcommittee is working on providing a web-based training and facilitation clearinghouse, identifying best practices to share across forums, and identifying and helping to clear barriers to forums’ success. Regarding the clearinghouse, she said, “FMCS has been gracious in assisting us through this process.” She said the primary goal for the clearinghouse was to provide users with a lot of helpful information in a very short time. She said a module on PDI that will be accessible through the clearinghouse will be very helpful for forums needing to know how to succeed with respect to PDI.

Mr. Dougan said a [forum reporting tool](#) was launched on the FMCS website, on May 2, which takes 10-15 minutes to complete, and collects data on forums, for the Council to use to help labor and management work together to improve mission performance, workplace relations, and quality of work life. He said the data collection is structured to reveal which specific labor-management relationships need help, and what the best practices and common barriers to success are across forums. He said the deadline for reporting is May 31, and urged the Council members to encourage participation as much as possible, since the data will be very helpful to the Council’s efforts. He added, “Broad-based participation is key. This is a chance for us to see where the problems are, so we can do something about them.”

Mr. Dougan provided a screenshot of the forum reporting tool. He said, “It’s an online process that takes 10-15 minutes to complete, so it’s not labor-intensive. It’s really a fairly simple process. As far as outreach to date, on May 2 OPM put out a message on behalf of the Council to labor relations practitioners, asking them to complete the survey and share it. The same message went out to the National unions. OPM also asked the Federal Workers Alliance. So, there’s been broad outreach to bring in the participants we’re looking for.”

Mr. Michael Wolf, FLRA, and Ms. Terri Rosen, AFGE, briefed the Council on the subcommittee’s efforts so far to create an online toolkit for forums, and that the plan is—

- To provide access to the toolkit from the Council’s website;
- To provide links to training, webinars, articles, best practices, and various agency and union resources, with the material organized into logical, helpful categories;

- To include a list of typical forum issues (the categories) hyperlinking to resources available for each issue, with the content structured so that the user can access helpful materials in no more than three clicks;
- To receive and address inquiries from users needing personalized guidance;
- To provide resources created not only by FLRA and FMCS, but also by Federal agencies and the private sector; and
- To deliver the toolkit at little or no additional cost.

Ms. Rosen began a preview, using the subcommittee’s slides, of the structure envisioned for the toolkit. She said, “We wanted something where when users click on links, they’re not confronted with a mass of confusing material. So, we came up with some categories for the content.” She showed the broad hyperlinked categories *Start a Labor Management Forum, Forums and Collective Bargaining, Information Access and Confidentiality, How to Choose Topics for Your Forum, PDI, Training, and Success Stories*.

Ms. Rosen said, “We also wanted users to be able to connect to a human being,” and showed a link displaying the text “Click here to request assistance with your forum or PDI process!” Ms. Rosen returned to discussing the organization of content for the toolkit, and as an example, she explained that a user selecting the training category would be taken to the materials grouped under the subcategory “Training Resources (General)” shown on page 9 of the subcommittee slides. She then yielded the floor to Mr. Wolf, who discussed possible content the subcommittee has contemplated so far, and logical subcategories for organizing it so that users can drill down from the broadest categories to the best available content for their particular areas of interest.

Mr. Wolf said, “Terry and I were asked to develop a toolkit so forums can learn about the wealth of existing resources they can use to make progress. We’re still developing the structure, but we wanted to give you an idea. We’re trying to design the site so there aren’t too many links. We really want to focus on what makes a difference. And the links don’t just go to internal materials, but also to helpful content that can be found on external websites.”

Referring to the PDI subcategory and content links shown on page 9 of the slides, Mr. Wolf said, “This is what a user would find if they clicked on the main PDI link on the main page.” (The proposed links are “Overview of PDI,” “PDI Quick Tips (YouTube),” “When to start PDI,” “What are *all workplace matters*,” and “When to share new issues with the union so the parties can effectively engage in PDI.”)

Ms. Rosen said the “Overview of PDI” link under the PDI subcategory (page 10 of slides) was key, and that Ms. Heather Butler from FMCS would be discussing the content for that link soon. Ms. Rosen said the “PDI Quick Tips (YouTube)” link would take users to a YouTube channel with short videos that would be designed to focus on common PDI issues and quickly guide users towards resolving problems with PDI. Ms. Rosen showed how “Return to Top” anchor links under the subcategories will allow users to return quickly to the main categories (shown on page 8 of the slides) under which the content would be organized.

Mr. Wolf said, “A lot of the content is just sample content at this point because we haven’t developed it yet,” and he called on the Council to recommend any content they think will be

helpful to forums. Ms. Rosen added that data due May 31 from the forum reporting tool Mr. Dougan briefed on earlier would inform efforts to flesh out the toolkit.

Mr. Wolf said, “One of the next steps, post implementation, is to develop a search tool, and the need for one will increase as the volume of content grows.” He said it is important to launch the toolkit soon, so it can start helping forums. He added, “We’ll find out where the gaps are after we implement the toolkit, and refer feedback to the Problem Resolution Subcommittee.” He said design refinements and additions to content could be ongoing post-launch.

Mr. Gould commented that launching without a search tool may limit usability a great deal. He also commented, “You may want to consider [max.gov](https://www.max.gov). It has many strengths, such as social networking and search functionality. Perhaps our colleagues at OMB can grant access.

“I also recommend staying on the site, and not using external links,” Mr. Gould continued. “Also, quality control is another consideration. There should be some kind of certification process and clearance by labor and management.”

Responding to Mr. Gould’s concerns, Ms. Rosen said, “We’re aware that people have higher expectations of websites nowadays. As to quality control, we’re really in the early stages of developing a structure, and need more help from the Problem Resolution Subcommittee before we can launch the website. Going through available materials and figuring out what to include, and under what categories, will be a huge task. We really hope to have more people involved.”

Mr. Wolf also responded to Mr. Gould: “I appreciate your remarks. Max is a great resource, and linking this up to Max is a great idea. Regarding your comment about not having to link to external content: We’ve thought about that, but there is a cost associated with building such a large repository of data.”

In response to Mr. Wolf, Mr. Gould suggested pooling resources, and added that he really wanted the toolkit’s navigational requirements to be minimal, and delivery of content to be as efficient as possible. Mr. Wolf responded, “Well, certainly the leadership VA has provided on sharing resources has been helpful.”

Ms. Rosen listed ideas for the “Quick Tips” YouTube videos the subcommittee mentioned earlier:

- PDI—
 - An overview video, which Ms. Butler would show momentarily;
 - Interplay between collective bargaining and PDI; and
 - Protecting confidential information when doing PDI;
- Metrics;
- Best Practices;
- Employee Engagement;
- Building Trust; and
- Mythbusters/FAQS.

Ms. Butler introduced herself as the FMCS Director of Training. She said the YouTube “Quick Tips” are a tool designed to enable *just in time* learning. She said, “You all spoke loud and clear at the last meeting when you said PDI is a priority, and we have planned content accordingly.”

Ms. Butler asked the Council for any resources members can offer to help deliver draft web materials for the Council to consider publishing. “And this includes not just labor relations staff, but also people with web and video design expertise. And if you have a studio, that would be great.”

Ms. Butler said, “Now I want to show you a tool developed through Adobe Captivate. No special tools are needed on the user’s PC. This example is a Quick Tip on PDI, primarily at the level of recognition.” She then showed an excerpt from a 14 minute training module on the fundamentals of PDI, which included such basic topics as what PDI is, when and how to do it, that Executive Order 13522 requires PDI, and that the overall purpose of PDI is to improve agency performance by fostering productive labor-management relationships. Ms. Butler said that since PDI is a big topic, the subcommittee is planning to provide drill-down Quick Tip videos on PDI.

Ms. Clark made concluding remarks for the Problem Resolution Subcommittee’s presentation. She said, “Thank you all for your attention. In addition to the people you see before you, an additional group of about three times as many people are also involved.” She also thanked Mr. Curry for his office’s contributions to the subcommittee’s efforts.

Ms. Clark said the subcommittee will continue its work to develop Quick Tips, and that she hoped the forum reporting tool Mr. Dougan briefed the Council on earlier would provide valuable information that would inform efforts to develop more content. She assured everyone a vetting process will be developed to make sure labor and management are both comfortable with content before it is published. She said the subcommittee is also working on protocols for dealing with inquiries from users who need personalized assistance.

In closing, Ms. Clark repeated the subcommittee’s request for help and resources from Council members and any of their available staff to continue the efforts of the Problem Resolution Subcommittee to help develop materials for the Toolkit for Forums.

Ms. Kaplan thanked the Problem Resolution Subcommittee for the presentation, and turned to the next agenda item.

Agenda Item III: Report of Agenda Subcommittee

Ms. Kaplan reminded everyone that, at the previous Council meeting, there was a lively discussion on major issues facing the Federal government, particularly the Federal workforce. She added that one major topic was the need to address negative public perceptions of the Federal workforce, and increase awareness of the Federal workforce’s significant contributions in support of the American public. She said that Mr. Bransford would brief the Council on the Agenda Subcommittee’s progress so far in completing related work assigned by the Council last meeting, i.e. developing strategies for the Council to better educate the public about the Federal workforce.

Mr. Bransford said, “This is timely because Federal Employee Recognition Week just passed. I serve on the Public Employees Roundtable, the group that coordinates the Week. We worked on a

project called “Why I Serve,” and the purpose was to get the word out about what Federal employees do.” He then introduced Mr. Curry and Ms. Jennifer Mattingly of SEA.

Mr. Curry began a presentation accompanied by slides labeled “Agenda Subcommittee.” He reviewed three basic questions about public service the Council selected to guide the subcommittee’s efforts to educate the public about Federal service, i.e.—

1. Who are Federal employees?
2. What do Federal employees do?
3. What is the impact of not having a sustainable Federal workforce?

Mr. Curry said that the Council tasked the subcommittee with developing recommendations on addressing the value of Federal employees, and that the subcommittee met several times to discuss possible approaches for the assigned task. He said the subcommittee discussed the work of other groups, most notably the Public Employees Roundtable group Mr. Bransford just mentioned.

Ms. Mattingly talked about events and tools that promoted public service during Public Service Recognition Week—

- The [Public Service 5K Run/Walk](#);
- The [Public Service Townhall](#), where people talked about why they chose Federal service;
- The [Samuel J. Heyman Service to America](#) Finalists Announcement;
- [Take a Future Fed to Work Day](#); and
- The [Celebration Toolkit](#), which provides a number of cost-free ideas on celebrating public servants.

Ms. Mattingly said that one helpful project currently underway is ongoing development of “Why I Serve” YouTube videos. She said that Council members appear in the “Why I Serve” videos, and she showed a [video featuring Ms. Kelley](#), and said other Council members also appear in the “Why I Serve” videos, including [Mr. Dougan](#) and [Ms. Niehaus](#), and that various other Federal employees are featured in the videos as well. She said that, so far, there are 15-20 of the videos, and that new ones are forthcoming.

Mr. Curry yielded the floor for Council discussion of the Agenda Subcommittee’s presentation. The first to comment was Mr. Cox, who said, “In reviewing the minutes from the previous Council meeting, I know Danny talked about pay and benefits. I think it would be good if the Council joined the discussion. I think we all agree Federal employee pay lags that for the private sector. If we are to recruit and retain the best and the brightest, we need appropriate pay.”

Mr. Dougan commented, “I support this idea. A major challenge we now face is succession planning. Given the fact we’ve gone through several years of disincentives, we need to think about how to incentivize the next generation to come in behind us when we step down. Also, while pay and benefits are important, we need to think about other ways we can be the employer of choice.”

Mr. Vollrath commented, “I agree with J. David. And we have two choices, accept the way things are or get out in front and tell the story of how Federal employees benefit the American public. If we don’t start telling the public the problems we face in the future without a good Federal workforce, I don’t know how we’ll get the people we need. I suggest we find citizens who ‘get it’ to help us deliver the message, and say how much they appreciate the work of Federal employees.”

Mr. Junemann said the “Why I Serve” videos captured much of the sentiment expressed by Council members last meeting about the importance of Federal employees to the American public’s safety and quality of life. He said, “Feds are very much under attack. Not only are pay and benefits important, but potential recruits don’t want to be stigmatized. We need to do everything we can to restore a sense of value to Federal service. We need to let people know Federal service is incredibly important. I think it’s great for National labor leaders like Colleen to be on video, but it’s also important to hear from Feds. Also, the effort to change our public image starts at the top.”

Ms. Kaplan commented, “I agree with the sentiment. We need more stories, and I agree we need more stories from Feds. I will mention, however, that the pendulum swings back and forth. The pendulum swung when people saw how quickly and ably Federal employees responded to the events of 9-11. I agree it’s important to get stories out, but we shouldn’t get too discouraged about public opinion, which is subject to shifts.”

Mr. Holway commented, “The problem is the machine, the think tanks that perpetuate negative stereotypes about Federal employees. You’re right: When the first responders ran toward the explosions while everyone else was running away, people appreciated it. The question is how to sustain that awareness of the work Feds do. We need to give that some serious thought. We’re in big trouble if we can’t get the people we need.”

Ms. Kaplan thanked Mr. Curry and Ms. Mattingly, as well as Mr. Holway and the other Council members who offered their input. She then turned to the next agenda item.

Agenda Item IV: New Business

Ms. Kaplan said the next Council meeting would be on July 17 at the Department of Justice. She recommended Council members and other interested parties see the [Federal Register Notice](#) announcing the meeting.

Ms. Kaplan called everyone’s attention to the note in the New Business section of the agenda calling for volunteers for the Awards Subcommittee.

Mr. Cox said, “I’m not raising new business, but thanks, Scott, for your great work on the Council, and for the great work you’ve done for labor-management partnership at the VA. We finally negotiated a contract, with your leadership. All of us at AFGE will miss you.”

Mr. Gould thanked Mr. Cox, and said he was grateful for all the wonderful people at VA who helped him in his efforts to advance partnership.

Agenda Item V: Public Submissions/Agenda Item VI: Adjournment

As promised at the beginning of the meeting, Ms. Kaplan provided an opportunity for public comment. No one came forward, and Ms. Kaplan adjourned the meeting at 11:17 a.m.

CERTIFIED

Elaine Kaplan
Co-Chair

Dustin Brown
Co-Chair